

# MISSOURI



# CRIMINAL HISTORY RECORD SYSTEM

Department of Public Safety  
Missouri State Highway Patrol  
Criminal Investigation Bureau  
Criminal Records Division  
SHP-344 10/87



## TABLE OF CONTENTS

<u>TITLE</u>	<u>SECTION</u>	<u>PAGE NO.</u>
PREFACE		
DEFINITIONS	11 CSR 30-3.010	4
AGENCIES AND PERSONS REQUIRED TO FURNISH CHRI	11 CSR 30-3.020	6
POLICE AGENCY PROCEDURES FOR FURNISHING DESCRIPTIONS OF PERSONS AND THEIR CHARGES TO MCRR AND PROSECUTING OR CIRCUIT ATTORNEYS	11 CSR 30-3.030	7
PROSECUTING AND CIRCUIT ATTORNEY PROCEDURES FOR FURNISHING CHRI TO MCRR AND THE COURTS	11 CSR 30-3.040	14
COURT CLERK PROCEDURES FOR FURNISHING CHRI TO MCRR AND TO DEPARTMENT OF CORRECTIONS AND HUMAN RESOURCES	11 CSR 30-3.050	18
DEPARTMENT OF CORRECTIONS AND HUMAN RESOURCES PROCEDURES FOR FURNISHING CHRI TO MCRR	11 CSR 30-3.060	24
DISSEMINATION OF CHRI FROM MCRR/USER FEE WHEN REQUIRED CHRI FOR STATISTICAL PURPOSES	11 CSR 30-3.070	25
REPORTING CHRI TO MCRR VIA ELECTRONIC MEDIUM	11 CSR 30-3.080	28
PRIVACY AND SECURITY REQUIREMENTS	11 CSR 30-3.090	29





## RULES AND REGULATIONS FOR MAINTAINING THE MISSOURI CRIMINAL RECORDS REPOSITORY

### PREFACE

Section 43.503, RSMo 1986, mandates all Missouri criminal justice agencies to report criminal history information to the Missouri State Highway Patrol Criminal Records Division. This division of the Highway Patrol will also be known as the Missouri Criminal Records Repository (MCRR). Regulations contained in section 43.509, RSMo 1986, authorized the Department of Public Safety to establish rules, regulations and forms for furnishing CHRI to the state repository. This authority was delegated to MCRR.

Section 43.518, RSMo 1986, established within the Department of Public Safety a "Criminal Records Advisory Committee" whose purpose is to recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system.

The Missouri criminal records committee is comprised of the following persons:

- Director of the Department of Public Safety
- Director of the Department of Corrections and Human Resources
- The Attorney General of Missouri
- The Director of the Missouri Office of Prosecution Services
- The President of the Missouri Prosecutors Association
- President of Missouri Court Clerks Association
- The Chief Clerk of the Missouri State Supreme Court
- The Director of the State Courts Administrator
- The Chairman of the State Judicial Record Committee
- The Chairman of the Circuit Court Budget Committee
- The President of the Missouri Peace Officers Association
- The President of the Missouri Sheriffs Association
- The President of the Missouri Police Chiefs Association
- The Superintendent of the Missouri State Highway Patrol
- The Chief of Police - St. Louis City
- The Chief of Police - Kansas City
- Chief of police of agency in jurisdictions with over 200,000 population, except - the chief executive of first class county with charter form of government may designate someone other than chief
- Committee person at large - appointed by Director of the Department of Public Safety
- Committee person at large (Same as above)
- Committee person at large (Same as above)

Title 11 - DEPARTMENT OF PUBLIC SAFETY

Division 30 - Director's Office

Chapter 3 - MISSOURI CRIMINAL RECORDS REPOSITORY  
and PRIVACY/SECURITY INFORMATION

ADMINISTRATIVE RULES

11 CSR 30-3.010 Definitions

PURPOSE: To define terms used in the rules for maintaining the Records Repository.

(1) **Missouri Criminal Records Repository (MCRR)** - The Missouri State Highway Patrol Criminal Records Division, located at 1510 East Elm, Jefferson City, Missouri, will also be known as the Missouri Criminal Records Repository. MCRR is responsible for compiling and disseminating complete and accurate criminal history record information.

(2) **Reportable Offenses** - All offenses listed in the Missouri Charge Code Manual that are identified as being reportable to the Missouri Criminal Records Repository.

(3) **Criminal History Record Information (CHRI)** - Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision and release.

(4) **Final Dispositions** - The formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(5) **State Offense Cycle Number (OCN)** - A preprinted number on the state fingerprint card which is used to identify each arrest and may include multiple offenses for which a person is fingerprinted. This number will be associated with an offense from the date of arrest to the date the offender exits from the criminal justice system.

(6) **Without Undue Delay** - As soon as possible but not later than thirty (30) days after the criminal history event.

(7) **Administration of Criminal Justice** - Performance of any of the following activities: detection; apprehension; detention; pre-trial release; post-trial release; prosecution; adjudication; correctional supervision of rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage and dissemination of criminal history record information, including fingerprint searches, photographs and other indicia of identification.

- (8) **Police Agency** - Each city, county and state agency having employees with peace officer powers, regardless of size.
- (9) **Peace Officer** - Members of the state highway patrol, all state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state.

**11 CSR 30-3.020 Agencies and Persons Required to Furnish CHRI**

PURPOSE: To establish who is required to furnish CHRI to MCRR.

(1) All police agencies, prosecuting and circuit attorneys, court clerks and the Department of Corrections and Human Resources shall furnish CHRI to MCRR without undue delay.



**11 CSR 30-3.030 Police Agency Procedures for Furnishing Descriptions on Persons and Their Charges to MCRR and Prosecuting or Circuit Attorneys**

**PURPOSE:** To establish a system for each police agency to follow when furnishing a description of a person and his/her charges to MCRR and to prosecuting or circuit attorneys.

(1) A police agency shall be responsible for completing a fingerprint/disposition form set supplied by MCRR on reportable offenses as instructed in the following regulations. The form set consists of a card having blocks to be filled in on both sides, and carbon copies having blocks to be filled in only on their front side. Normally the parts of the form set will not be separated until the front side has been filled in, including a complete set of fingerprints. In any event the officer or clerk making the entries on the front of the card shall verify that the same information is readable on the carbon copies. Listed below are procedures for police agencies to follow when taking a person into custody.

(A) **Two (2) or more agencies/same offense** - If peace officers from two (2) or more police agencies arrest a person for the same offense(s) the agency that will forward the information to the prosecutor or make application for warrant shall be responsible for completing the fingerprint/disposition form set and forward the disposition forms to the prosecuting or circuit attorney.

(B) **Single agency/prosecution** - When an arresting officer releases a person he has arrested to a receiving officer who routinely reports to the same prosecuting or circuit attorney, the arresting officer should complete the fingerprint/disposition form set and forward the disposition forms to the prosecuting or circuit attorney.

(C) **Agency turned subject over to different jurisdiction** - A police agency arresting a person, with or without a warrant, and will release the person to a police agency in a different prosecutory jurisdiction for prosecution shall be responsible for completing the fingerprint/disposition form and indicate in the final disposition block #19 as turned over to (TOT) or posted bond, name and address of police agency, date and warrant number if available. The disposition forms should be destroyed.

(D) **Agency receiving subject from different jurisdiction** - A police agency taking custody of a person arrested by an officer who routinely reports to a different prosecuting or circuit attorney will be responsible for completing a fingerprint/disposition form set and forwarding the disposition forms to the prosecuting or circuit attorney.

(E) **Municipality/multiple counties** - When peace officers arrest a person in reference to one of their cases, regardless of the county of prosecution, they are responsible for completing the fingerprint/disposition form set and forwarding the disposition

forms to the prosecuting or circuit attorney. The agency who takes custody of the offender will not refingerprint the person.

1. Example: Kansas City Police officers arrest a person in Jackson County in reference to a Kansas City case in Clay County. Kansas City Police Department would be responsible for completing the fingerprint/disposition form set and then submitting the disposition form set to the prosecuting attorney of Clay County. When Clay County authorities take the offender into custody, no additional fingerprints should be taken.

(F) **Probation violation subject printed on original charge** - When a peace officer arrests an individual for a probation violation and the person has been fingerprinted on the original charge, no additional fingerprints will be required. The court has agreed to include the OCN number on the warrant. If it is unknown whether the person has been fingerprinted or if additional charges are listed in conjunction with the probation violation, the fingerprint/disposition form set is required and disposition forms should be forwarded to the prosecuting or circuit attorney.

(G) **Arrest without warrant** - If a peace officer makes an arrest in his jurisdiction without a warrant, he will fingerprint the individual and submit the forms to the prosecuting or circuit attorney for his action. If a warrant is issued for the person, the OCN number will be listed on the warrant. If the person is released pending issuance of the warrant he need not be fingerprinted when the arrest warrant is served unless additional charges are included.

(2) A police agency shall be ordered by the court to fingerprint and be responsible for completing a fingerprint/disposition form set on persons for which the court has pronounced sentence, if the court determines that the person has not been previously fingerprinted for the same case. The police agency shall forward the fingerprint card to MCRR and the disposition forms to the court of jurisdiction.

(3) The disposition form set should be forwarded to the appropriate personnel by the arresting officer under the following conditions:

(A) A peace officer reports a reportable offense to a prosecuting or circuit attorney; and

(B) When peace officers arrest a person in reference to one of their cases, regardless of the county of prosecution, the arresting officer should complete the fingerprint/disposition form set and submit the disposition form set to the prosecuting attorney or circuit attorney.



(4) The disposition form set shall be destroyed under the following conditions:

(A) Arrested subject released, information not referred to prosecuting attorney or circuit attorney; or

(B) If the person arrested is turned over to a peace officer or posted bond for prosecution in a different jurisdiction, with the exception of (3) (B).

(5) Each side of the fingerprint card is illustrated. Figure #1 represents the front side and Figure #2 represents the back side.

(A) The card should be completed by using a typewriter. The completed fingerprint card less the disposition forms shall be forwarded to MCRR without undue delay.

(B) Instructions for completing the card are as follows:

1. Enter state assigned identification number (SID) if available;
2. Enter complete name of subject arrested;
3. Offense cycle number. Pre-printed eight digit number;
4. Enter your agency's offense cycle number if assigned;
5. Enter any known aliases the subject uses;
6. Enter arresting agency identifier (ORI), MO-----, name and address of arresting agency;
7. Leave blank (for state usage only);
8. Signature of person fingerprinted (should be signed in ink);
9. Enter subject's date of birth. If subject is a juvenile, court certification that he/she is to be tried as an adult must be attached;
10. Enter date subject was fingerprinted and the signature of the official taking the fingerprints (signature should be in ink);

11. Enter sex, race\*, height, weight, hair and eye color of subject arrested;

\* W White (includes Mexicans and Latins)

B Black

I (Am Indian or Alaskan Native)

A (Asian or Pacific Islander)

U Unknown

12. Enter subject's place of birth (state, territorial possessions, province or country);

13. Enter date subject arrested or received;

14. Enter your local agency case number;

15. Enter brief description of all charges, NCIC offense code, and the offense penal range. (see Missouri Charge Code Manual). If the arrest is for parole or probation violations, include original charge information. Enter any additional charges in space #33;

16. Enter FBI number of subject arrested if available;

17. Leave blank (for state usage, fingerprint classification);

18. Same as #1. Enter SID number if available;

19. Enter one of the following final dispositions if appropriate. Include warrant number if available -

A. Turned over to (TOT), name of police agency, date of disposition (use only when it is a different prosecutory jurisdiction);

B. Posted bond, name of agency who wanted the individual, date (use only when it is a different prosecutory jurisdiction); or

C. Released, information not referred to prosecuting attorney or circuit attorney.

20. Enter social security number of the person arrested;

21. Fingerprint blocks, a complete set of tenprints shall be obtained;



22. Indicate if palm prints and/or photograph are available in your file;
23. Enter arresting agency name and ORI. If your agency is the contributor of the fingerprint card and your ORI is entered in block #6, leave blank;
24. Enter county of arrest and arresting officer's badge number;
25. Enter the Missouri statute(s) violated and corresponding Missouri offense code for all charges listed in block #15 (see Missouri Charge Code Manual);
26. Leave blank (will not be used in CHRI system);
27. Enter subject's employer if available;
28. Enter occupation of subject arrested;
29. Enter residence of subject arrested;
30. Enter all scars, marks, tattoos and amputations of person arrested;
31. Enter basis for caution if appropriate;
32. Enter date of offense if different than date of arrest;
33. Additional charges information should be included in this space. If charges are indicated attach a list of these charges to the form set that is to be forwarded to the prosecuting or circuit attorney;
34. Enter the name, ORI and complete address of additional agencies desiring a copy of the subject's criminal history record. The contributing agency will automatically receive a copy without being listed here.

FIGURE #1

SID NO. MO. <b>1</b>		LAST NAME <u>NAM</u> FIRST NAME MIDDLE NAME <b>2</b>		OFFENSE CYCLE NO. <b>3 86059003</b>	
LOCAL OFFENSE CYCLE NUMBER <b>4</b>		ALIASES <b>5</b>	CONTRIBUTOR <u>ORI</u> <b>6</b>		LEAVE BLANK <b>7</b>
SIGNATURE OF PERSON FINGERPRINTED <b>8</b>				DATE OF BIRTH <u>DOB</u> <b>9</b>	
THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES		DATE ARRESTED OR RECEIVED <u>DOA</u> <b>13</b>	SEX RACE HGT. <u>WGT.</u> EYES HAIR <b>11</b>	PLACE OF BIRTH <u>POB</u> <b>12</b>	
DATE <b>10</b>	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		YOUR NO. <u>OCA</u> <b>14</b>		LEAVE BLANK
CHARGE & NCIC OFFENSE CODE OFFENSE TYPE (F) (M) (O) <b>15</b>		FBI NO. <u>FBI</u> <b>16</b>	CLASS. <b>17</b>		
2.		SID NO. <u>SID</u> <b>18</b>	REF.		
3.					
FINAL DISPOSITION <b>19</b>		WARRANT NO.	SOCIAL SECURITY NO. <u>SOC.</u> <b>20</b>		NCIC CLASS - FPC
<div style="text-align: center; border: 1px solid black; padding: 10px;"> <b>21</b> </div>					
1. R. THUMB		2. R. INDEX		3. R. MIDDLE	
4. R. RING		5. R. LITTLE			
6. L. THUMB		7. L. INDEX		8. L. MIDDLE	
9. L. RING		10. L. LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB		R. THUMB	
				RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	

FIGURE #2

FINGERPRINT CARD		MISSOURI HIGHWAY PATROL, GENERAL HEADQUARTERS, P. O. BOX 568, JEFFERSON CITY, MO. 65102 TELEPHONE NO. 314 751-3313		
PALM PRINTS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO <b>22</b> PHOTO AVAILABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF AVAILABLE, PASTE PHOTO HERE NO STAPLES SINCE PHOTOGRAPH MAY BECOME DETACHED INDICATE NAME, DATE TAKEN, FBI NUMBER, CONTRIBUTOR AND ARREST NUMBER ON REVERSE SIDE, WHETHER ATTACHED TO FINGERPRINT CARD OR SUBMITTED LATER.		
ARRESTING AGENCY - NAME - ORI <b>23</b>				
COUNTY OF ARREST <b>24</b>	ARRESTING OFFICER'S BADGE NO.			
STATUTE-RSMO/LOCAL ORDINANCE <b>25</b> 2. 3. 4.				MISSOURI CHARGE CODE
ARREST DISPOSITION <b>26</b>				
EMPLOYER: NAME AND ADDRESS <b>27</b>		SEND ADDITIONAL COPY TO: <b>34</b>		
OCCUPATION <b>28</b>				
RESIDENCE OF PERSON FINGERPRINTED <b>29</b>				
SCARS, MARKS, TATTOOS, AND AMPUTATIONS <u>SMT</u> <b>30</b>				
BASIS FOR CAUTION <u>ICO</u> <b>31</b>				
DATE OF OFFENSE <u>DOO</u> <b>32</b>		LEAVE BLANK		
ADDITIONAL INFORMATION <b>33</b>				
		DO NOT WRITE IN THIS SPACE FILMED NAME SEARCH CLASS FP SEARCH CODED TERMINAL OPR ANSWERED SHP-105C		

**11 CSR 30-3.040 Prosecuting and Circuit Attorney Procedures for  
Furnishing CHRI to MCRR and the Courts**

Purpose: To establish a system for each prosecuting and circuit attorney to follow when furnishing CHRI to MCRR.

(1) Each prosecuting and/or circuit attorney, upon filing a reportable offense reported by a peace officer shall furnish the information to MCRR by submitting the blue carbon copy of the disposition form set originated by the officer. When charges are not filed, the complete form set shall be destroyed. If the information or complaint is filed by the prosecuting attorney or circuit attorney, the OCN should be listed on the form. When the court issues the warrant, the OCN should be listed on the warrant. When charges are filed, the remaining copies of the form set shall be turned over to the court or court clerk of jurisdiction. When the person is scheduled to appear in separate court divisions, machine copies shall be made so that all divisions will have the required copies of the disposition form set. The blue carbon copy is illustrated in Figure #3.

(A) Entries shall be made in block 1 through 5.

(B) Complete as instructed using typewriter or hard tip pen -

1. The prosecuting attorney or circuit attorney must indicate the charges filed for the offense cycle number. All other charges reported by the arresting agency will be considered not filed by MCRR;
2. Enter prosecutor's case number if charge(s) filed;
3. Enter the originating agency identifier (ORI) number of the prosecuting or circuit attorney's office;
4. Enter date the action was taken; and
5. Signature of the prosecuting or circuit attorney taking the action.

(2) Any change(s) in the prosecuting or circuit attorney's action shall be reported to MCRR.

(A) The supplemental action form illustrated in Figure #4 will be used after the blue copy of the prosecutor's action form has been submitted to MCRR.

(B) The form should be completed as follows:

1. Enter defendant's name;
2. Enter at least two (2) numeric identifiers (subject's date of birth, OCN number or SID number);



3. Enter charge(s), date of arrest and count number(s) for which the supplemental information pertains;
4. Enter changes in prosecutor's or circuit attorney's action;
5. Enter any comments pertaining to the case;
6. Enter reporting agency name, address and ORI;
7. Enter date of report; and
8. Signature of person completing the form.

(3) In the event a court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected by MCRR, the prosecuting attorney or the circuit attorney of a city not within a county shall ask the court to order a police agency to fingerprint immediately all sentenced persons appearing before the court who have not previously been fingerprinted for the same case. The police agency shall submit such fingerprints to MCRR without undue delay.

(4) A prosecuting or circuit attorney may submit the data by electronic medium if approved by the Criminal Records Committee.


(5) If the data is submitted by electronic medium by the prosecuting or circuit attorney and the court is not automated, the prosecuting or circuit attorney will be required to forward the disposition form set to the court who has jurisdiction of the case.

FIGURE #3

SID NO. <u>MO.</u>		LAST NAME <u>NAM</u> FIRST NAME MIDDLE NAME		OFFENSE CYCLE NO. <b>88050602</b>	
LOCAL OFFENSE CYCLE NUMBER		ALIASES	CONTRIBUTOR <u>ORI</u>		LEAVE BLANK
SIGNATURE OF PERSON FINGERPRINTED					DATE OF BIRTH <u>DOB</u>
THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES		DATE ARRESTED OR RECEIVED <u>DOA</u>	<u>SEX</u> <u>RACE</u> <u>HGT.</u> <u>WGT.</u> <u>EYES</u> <u>HAIR</u>	PLACE OF BIRTH <u>POB</u>	
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS				
CHARGE & NCIC OFFENSE CODE OFFENSE TYPE (F) (M) (O)		YOUR NO. <u>OCA</u>		ACTION TAKEN BY PROSECUTING ATTORNEY OR CIRCUIT ATTORNEY 1. <b>1</b> 2. 3. 4.	
1.		FBI NO. <u>FBI</u>			
2.		SID NO. <u>SID</u>			
3.		SOCIAL SECURITY NO. <u>SOC</u>			
4.		PROSECUTOR'S CASE NO. <b>2</b>			
		PROSECUTOR'S ORI NO. <b>3</b>			
		DATE <b>4</b>		SIGNATURE <b>5</b>	

THE PROSECUTING ATTORNEY OR CIRCUIT ATTORNEY SHALL NOTIFY THE MISSOURI STATE HIGHWAY PATROL CRIMINAL RECORD DIVISION OF ACTION TAKEN

FIGURE #4

 <b>SUPPLEMENTAL ACTION PROSECUTING ATTORNEY/CIRCUIT ATTORNEY &amp; COURT ACTION</b> <span style="float: right;">SHP-294</span>		
<b>DEFENDANT'S NAME</b> <span style="margin-left: 100px;"><b>LAST</b></span> <span style="margin-left: 100px;"><b>FIRST</b></span> <span style="margin-left: 100px;"><b>MIDDLE</b></span> <div style="text-align: center; font-size: 2em;">1</div>		
<b>DATE OF BIRTH</b> <div style="text-align: center; font-size: 2em;">2</div>	<b>OFFENSE CYCLE NUMBER (OCN)</b>	<b>STATE IDENT NUMBER (SID)</b>
<b>CHARGE(S) COUNT NUMBER(S)</b> <div style="text-align: center; font-size: 2em;">3</div>		
<div style="text-align: center; font-size: 2em;">4</div> <b>CHANGE(S) IN PROSECUTOR'S ACTION</b>		
<b>ADDITIONAL COURT DISPOSITION</b>		
<b>SENTENCE REVERSED &amp; REMANDED</b>	<b>COUNT NO.</b>	<b>DATE</b>
<b>PROBATION REVOKED (EXPLAIN ACTION)</b>	<b>COUNT NO.</b>	<b>DATE</b>
<b>EXPUNGEMENT</b>	<b>COUNT NO.</b>	<b>DATE</b>
<b>JUDGEMENT OF DISCHARGE</b>	<b>COUNT NO.</b>	<b>DATE</b>
<b>OTHER (EXPLAIN IN DETAIL)</b>	<b>COUNT NO.</b>	<b>DATE</b>
<b>COMMENTS:</b> <div style="text-align: center; font-size: 2em;">5</div>		
<b>REPORTING AGENCY NAME/ORI</b> <div style="text-align: center; font-size: 2em;">6</div>		
<b>DATE</b> <div style="text-align: center; font-size: 2em;">7</div>	<b>SIGNATURE</b> <div style="text-align: center; font-size: 2em;">8</div>	

**11 CSR 30-3.050 Court Clerk Procedures for Furnishing CHRI to MCRR and to Department of Corrections and Human Resources**

**PURPOSE:** To establish a system for each court clerk to follow when furnishing CHRI to MCRR and to the Department of Corrections and Human Resources.

(1) The court clerk shall furnish MCRR with the final disposition of each case relating to a reportable offense filed by a prosecuting or circuit attorney, to include when such an offense is reduced. When a case has charge(s) still pending after the disposition forms have been forwarded to MCRR, MCRR will forward disposition forms to the court of jurisdiction for the reporting of dispositions on the remaining pending charge(s). The court clerk shall report in one of the following ways:

(A) By submitting the disposition form set originated by the arresting agency or the disposition form set received from MCRR;

(B) By submitting a supplemental court action form supplied by MCRR; or

(C) By initiating an electronic medium of entry which has been approved by the Criminal Records Committee.

(2) When a change of venue is granted, the court clerk where the case was originally filed shall forward the disposition form set received from the prosecuting or circuit attorney to MCRR with an identification number of the court of jurisdiction. MCRR will forward a disposition form to the new court of jurisdiction. The disposition form will identify the subject and the case.

(3) When the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be reported to MCRR and it is determined that the person(s) appearing before the court has not previously been fingerprinted for the same case, the court shall order a law enforcement agency to fingerprint immediately all sentenced person(s). The police agency shall submit such fingerprints to MCRR without undue delay and forward the disposition form to the court of jurisdiction.

(4) When the court receives a complaint or information which contains an OCN from the prosecuting attorney or circuit attorney, the OCN shall be listed on the warrant when it is issued.

(5) If a warrant is issued by the court for a probation violation on a reportable offense, the court clerk shall list the OCN from the original charges on the warrant.

(6) After each probation revocation hearing, the court clerk shall advise MCRR on the original charge, including the OCN, if probation is revoked.



(7) The court clerk shall also furnish the Department of Corrections and Human Resources information on all defendants convicted and sentenced to their department for custody supervision. The report shall include, but is not limited to, the name and description of the convicted person, state offense cycle number, charge, Missouri statute number, court case number, date of sentence and length of sentence on all counts.

(8) The disposition form prepared by the court clerk is illustrated in Figure #5.

(A) The disposition form should be completed by using a typewriter or hard tip pen. Forward the completed disposition copies to MCRR and retain the white copy for your records. MCRR will make distribution of the FBI and arresting agency copy.

(B) Instructions regarding the completion are as follows:

1. Enter the court case number;
2. Enter the charge as heard by the court that resulted in the final disposition being rendered;
3. Enter the final judgement of the charge -
  - A. Not guilty;
  - B. Not guilty by reason of mental defect or disease;
  - C. Dismissed by court;
  - D. Dismissed by state;
  - E. Guilty;
  - F. Change of venue (enter the court ORI where case will be heard in the comments space);
4. Enter date of disposition (sentencing date);
5. Enter length of sentence imposed;
6. Check appropriate space if sentence is to be served concurrent or consecutive to another charge;
7. Enter OCN, court case and count number of the charge which present case is concurrent or consecutive to;
8. Check to indicate if suspended execution of sentence is ordered. When checked, #5 must include length of sentence and #9 must include probation term;
9. Enter length of probation term;

10. Check to indicate suspended imposition of sentence. When checked, #9 must include probation term;

11. Indicate if a fine is imposed;

12. This information need not be provided;

13. Enter Court/ORI where case will be heard when there is a change of venue. Additional comments may also be entered;

14. Enter Agency/ORI reporting the disposition information;

15. Enter the date the disposition form was completed; and

16. Signature of individual completing and forwarding the form to MCRR.

(9) The supplemental court action form will be used when the court has additional information to be reported to MCRR. However, MCRR need not be advised of the completion of a term of probation. Unless notified to the contrary MCRR will terminate the term of probation based on the date previously reported.

(10) The supplemental court action form is illustrated in Figure #6.

(A) The report should be completed by using a typewriter or hard tip pen and the original forwarded to MCRR. Retain the second copy for your record.

(B) Instructions regarding completion are as follows:

1. Enter complete name of subject;

2. Enter the OCN number if available, if not enter the SID number; 2.

3. Enter charge(s) as heard by the court;

4. Enter supplemental or additional court action in the proper space -

A. Reversed and remanded;

B. Probation revoked;

C. Expungement;

D. Judgment of discharge; or

E. Other (explain in detail).

5. Enter any additional information;
6. Enter the reporting agency identifier (ORI) and court name;
7. Enter date the disposition form was completed; and
8. Signature of person completing form.

FIGURE #5

SID NO. MO.		LAST NAME <u>NAM</u> FIRST NAME MIDDLE NAME		OFFENSE CYCLE NO. <b>88050601</b>	
LOCAL OFFENSE CYCLE NUMBER		ALIASES		CONTRIBUTOR <u>ORI</u>	
SIGNATURE OF PERSON FINGERPRINTED				DATE OF BIRTH <u>DOB</u>	
THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES		DATE ARRESTED OR RECEIVED <u>DOA</u>		SEX <u>RACE</u> <u>HGT.</u> <u>WGT</u> <u>EYES</u> <u>HAIR</u>	
DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS				PLACE OF BIRTH <u>POB</u>	
CHARGE & NCIC OFFENSE CODE OFFENSE TYPE (F) (M) (O)		YOUR NO. <u>OCA</u>		ACTION TAKEN BY PROSECUTING ATTORNEY OR CIRCUIT ATTORNEY 1. 2. 3. 4.	
1.		FBI NO. <u>FBI</u>			
2.		SID NO. <u>SID</u>			
3.		SOCIAL SECURITY NO. <u>SOC</u>			
4.		PROSECUTOR'S CASE NO.			
		PROSECUTOR'S ORI NO.			
		DATE		SIGNATURE	

1 COURT CASE NUMBER		2 FINAL CHARGE		3 OFFENSE TYPE (F) (M)		4 ADJUDICATION		5 DISP DATE	
1 LENGTH OF SENTENCE		6 CC CS WITH OCN/COURT CASE NUMBER		7 COUNT NUMBER		8 SES		9 PROBATION TERM	
5		6 7		8		9		10 \$11	
12 STAYED									
2 COURT CASE NUMBER		3 FINAL CHARGE		4 OFFENSE TYPE (F) (M)		5 ADJUDICATION		6 DISP DATE	
2 LENGTH OF SENTENCE		3 CC CS WITH OCN/COURT CASE NUMBER		4 COUNT NUMBER		5 SES		6 PROBATION TERM	
								7 \$	
								8 \$	
3 COURT CASE NUMBER		4 FINAL CHARGE		5 OFFENSE TYPE (F) (M)		6 ADJUDICATION		7 DISP DATE	
3 LENGTH OF SENTENCE		4 CC CS WITH OCN/COURT CASE NUMBER		5 COUNT NUMBER		6 SES		7 PROBATION TERM	
								8 \$	
								9 \$	
4 COURT CASE NUMBER		5 FINAL CHARGE		6 OFFENSE TYPE (F) (M)		7 ADJUDICATION		8 DISP DATE	
4 LENGTH OF SENTENCE		5 CC CS WITH OCN/COURT CASE NUMBER		6 COUNT NUMBER		7 SES		8 PROBATION TERM	
								9 \$	
								10 \$	
5 COURT CASE NUMBER		6 FINAL CHARGE		7 OFFENSE TYPE (F) (M)		8 ADJUDICATION		9 DISP DATE	
5 LENGTH OF SENTENCE		6 CC CS WITH OCN/COURT CASE NUMBER		7 COUNT NUMBER		8 SES		9 PROBATION TERM	
								10 \$	
								11 \$	


  

COMMENTS <b>13</b>	
REPORTING AGENCY/ORI <b>14</b>	SIGNATURE <b>16</b>

UPON NOTICE OF FINAL DISPOSITION, FORWARD TO MISSOURI STATE HIGHWAY PATROL, CRIMINAL RECORDS DIVISION



FIGURE #6

 <b>SUPPLEMENTAL ACTION PROSECUTING ATTORNEY/CIRCUIT ATTORNEY &amp; COURT ACTION</b>			
SHP-294			
DEFENDANT'S NAME	1	LAST	FIRST MIDDLE
DATE OF BIRTH	2	OFFENSE CYCLE NUMBER (OCN)	STATE IDENT NUMBER (SID)
CHARGE(S) COUNT NUMBER(S)			
3			
CHANGE(S) IN PROSECUTOR'S ACTION			
4			
ADDITIONAL COURT DISPOSITION			
SENTENCE REVERSED & REMANDED	COUNT NO.	DATE	
PROBATION REVOKED (EXPLAIN ACTION)	COUNT NO.	DATE	
EXPUNGEMENT	COUNT NO.	DATE	
JUDGEMENT OF DISCHARGE	COUNT NO.	DATE	
OTHER (EXPLAIN IN DETAIL)	COUNT NO.	DATE	
COMMENTS:			
5			
REPORTING AGENCY NAME/ORI 6			
DATE 7	SIGNATURE 8		

**11 CSR 30-3.060 Department of Corrections and Human Resources  
Procedures for Furnishing CHRI to MCRR**

**PURPOSE:** To establish a system for the Department of Corrections and Human Resources to follow when furnishing CHRI to MCRR.

(1) The Department of Corrections and Human Resources shall furnish MCRR with a complete description, including fingerprints, state offense cycle number, charge, state statute, Missouri state charge code, court case number, sentencing date, sentencing county and length of confinement. The CHRI for each charge for which a person is serving shall be forwarded to MCRR on a specially designed fingerprint card which will be supplied by MCRR.

(2) Each time there is a change in an individual's custody status, or if there is additional charge and sentence information added to a persons commitment record, the Department of Corrections and Human Resources shall furnish MCRR with a copy of the additional charge and sentence information. The above will be accomplished by using institution forms or by electronic medium.

**11 CSR 30-3.070 Dissemination of CHRI From MCRR/User Fee When Required/CHRI for Statistical Purposes**

PURPOSE: To establish a system for the dissemination of CHRI for criminal justice purposes, employment purposes, statistical purposes, licensing and for concealable weapons permit, for the review and challenge and when the information is released to criminal justice, noncriminal justice, citizens or the individual of the record and for the paying of fees when required.

(1) Criminal justice agencies shall receive complete CHRI for criminal justice purposes with the following exceptions:

(A) Arrests for reportable offenses which occurred between September 28, 1973, and September 27, 1981, which have a final disposition of nolle prossed, dismissed or the accused is acquitted may be used by the arresting agency or the individual for litigation only; and

(B) All records of arrest made after January 1, 1988, having a disposition indicating that a charge has been nolle prossed, dismissed, or resulted in acquittal shall be closed for all dissemination purposes five years from the date of arrest and shall not be opened or made disseminative unless and until the subject is charged with a new or subsequent offense.

(2) Criminal justice agencies shall receive the following CHRI for the purposes of criminal justice employment or for the issuance of a concealable firearms permit:

(A) All conviction data;

(B) All charges for which an individual is currently under the jurisdiction of the criminal justice system; and

(C) Information regarding an arrest, if it is within thirty (30) days of the arrest and no action has been taken by the prosecuting or circuit attorney.

(3) Noncriminal justice agencies or citizens shall receive the following CHRI for employment, licensing purposes or reasons stated in the request:

(A) All conviction data;

(B) All charges for which an individual is currently under the jurisdiction of the criminal justice system; and

(C) Information regarding an arrest, if it is within thirty (30) days of the arrest and no action has been taken by the prosecuting or circuit attorney.



(4) Federal noncriminal justice agencies shall receive complete CHRI for such investigative purposes as authorized by law or presidential executive order with the exception of the following:

(A) Arrest for reportable offenses which occurred between September 28, 1973, and September 27, 1981, which have a final disposition of nolle prossed, dismissed or the accused is acquitted may be used only by the arresting agency or the individual for litigation only; and

(B) All records of arrest made after January 1, 1988, having a disposition indicating that a charge has been nolle prossed, dismissed or resulted in acquittal shall be closed for all dissemination purposes five years from the date of the arrest and shall not be opened or made disseminative unless and until the subject is charged with a new or subsequent offense.

(5) The person of an identification record may obtain a copy of his/her CHRI for review or challenge purposes by submitting a written request via U. S. mails directly to the Missouri State Highway Patrol, Criminal Records Division, P. O. Box 568, Jefferson City, Missouri 65102 or may present his/her written request in person during regular business hours to the Missouri State Highway Patrol, Criminal Records Division, Annex Building, 1510 East Elm Street, Jefferson City, Missouri.

(A) Requests for CHRI must be accompanied by satisfactory proof of identity, which shall consist of name, date of birth and a set of rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement agencies. The request must be accompanied by a fee of fourteen dollars (\$14) in the form of a certified check, warrant, voucher or money order payable to the "State of Missouri- Criminal Record System." Any request for waiver of the fee shall accompany the original request for the CHRI and shall include a claim and proof of indigency.

(B) No fees will be charged for challenge of a pre-supplied record by an individual when a person challenges his/her record. A set of fingerprints will be required if the identity of the person is in question.

(6) MCRR shall charge a fee of not more than five dollars (\$5) for each name check and a fee of not more than fourteen dollars (\$14) for each fingerprint processed before CHRI can be disseminated to any federal or nonstate of Missouri agency when such information is requested for a matter not related to the administration of criminal justice. The fee should be either a certified check, warrant, voucher or money order payable to the "State of Missouri - Criminal Record System." The request with the fee stapled thereto should be mailed to the Missouri State Highway Patrol, Criminal Records Division, P. O. Box 568, Jefferson City, Missouri 65102.



(7) Each request to obtain CHRI for employment or licensing purposes must be accompanied by a fee of five dollars (\$5) in the form of a certified check, warrant, voucher or money order payable to the "State of Missouri - Criminal Record System." The request with check stapled thereto should be mailed to the Missouri State Highway Patrol, Criminal Records Division, P. O. Box 568, Jefferson City, Missouri 65102. Any request for waiver of the fee shall accompany the original request for the CHRI and shall include a claim and proof of indigency.

(8) MCRR shall not disseminate or publish statistical information derived from CHRI which identifies individual criminal justice agencies other than to compile or disseminate statistical information from CHRI which describe general offender characteristics and the general disposition of the criminal cases.

**11 CSR 30-3.080 Reporting CHRI to MCRR via Electronic Medium**

**PURPOSE:** To establish a procedure for prosecuting or circuit attorneys, custody agencies and court clerks to follow when such agencies and persons choose to report CHRI to MCRR via electronic medium.

- (1) Prosecuting or circuit attorneys, custody agencies and court clerks have the capability to develop a system of reporting CHRI via electronic medium to MCRR. Those agencies planning to implement such a system should contact the Criminal Records Division of the Missouri State Highway Patrol. Arrangements will be made for your department's personnel and personnel from the Missouri State Highway Patrol's Information Systems Division to develop the necessary interface to allow for the reporting of the required data elements.
- (2) All systems developed for the reporting of CHRI electronically must be approved by the Criminal Records Advisory Committee.

## 11 CSR 30-3.090 Privacy and Security Requirements

PURPOSE: To establish a rule governing the procedures for dissemination of criminal history record information and to assure that the privacy and security of individuals have not been violated.

### (1) Criminal History Record Information (CHRI)

(A) CHRI means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations or other formal criminal charges, any disposition arising therefrom, sentencing, correctional supervision and release.

(B) The regulations do not apply to CHRI contained in -

1. Posters, announcements or lists for identifying or apprehending fugitives or wanted persons;
2. Original records of entry, such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or longstanding custom to be made public, if records are organized on a chronological basis;
3. Court records of public judicial proceedings;
4. Published court or administrative opinions or public, judicial, administrative or legislative proceedings;
5. Records of traffic offenses maintained by state departments of transportation, motor vehicles or the equivalent thereof for regulating the issuance, suspension, revocation or renewal of drivers', pilots' or other operators' licenses; and
6. Announcements of executive clemency.

### (2) Completeness and Accuracy

(A) To meet accuracy and completeness requirements, the Missouri State Highway Patrol's Criminal Records Division has been designated by state law as the central repository of CHRI for the state.

(B) For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the Department of Corrections and Human Resources, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge and disposition information to the central repository for filing



without undue delay (within 30 days) in the form and manner required by sections 43.500 to 43.530.

(3) Dissemination

(A) Criminal justice agencies shall receive complete CHRI for criminal justice purposes with the following exceptions:

1. Arrests for reportable offenses which occurred between September 28, 1973 and September 27, 1981, which have a final disposition of nolle prossed, dismissed or the accused is acquitted may be used by the arresting agency or the individual for litigation only; and
2. All records of arrest made after January 1, 1988, having a disposition indicating that a charge has been nolle prossed, dismissed or resulted in acquittal shall be closed for all dissemination purposes five years from the date of the arrest and shall not be opened or made disseminative unless and until the subject is charged with a new or subsequent offense.

(B) Criminal justice agencies shall receive the following CHRI for the purposes of criminal justice employment or for the issuance of a concealable firearms permit:

1. All conviction data;
2. All charges for which an individual is currently under the jurisdiction of the criminal justice system; and
3. Information regarding an arrest, if it is within thirty (30) days of the arrest and no action has been taken by the prosecuting or circuit attorney.

(C) Noncriminal justice agencies or citizens shall receive the following CHRI for employment, licensing purposes or reasons stated in the request:

1. All conviction data;
2. All charges for which an individual is currently under the jurisdiction of the criminal justice system; and
3. Information regarding an arrest, if it is within thirty (30) days of the arrest and no action has been taken by the prosecuting or circuit attorney.

(D) Federal noncriminal justice agencies shall receive complete CHRI for such investigative purposes as authorized by law or presidential executive order with exception of the following:

1. Arrests for reportable offenses which occurred between September 28, 1973 and September 27, 1981, which have a final

disposition of nolle prossed, dismissed or the accused is acquitted may be used only by the arresting agency or the individual for litigation only; and

2. All records of arrest made after January 1, 1988, having a disposition indicating that a charge has been nolle prossed, dismissed or resulted in acquittal shall be closed for all dissemination purposes five (5) years from the date of the arrest and shall not be opened or made disseminative unless and until the subject is charged with a new or subsequent offense.

(4) Agency Audit

(A) By federal regulation every state is required to conduct biennial audits of randomly selected criminal justice agencies to assure that privacy and security regulations are being followed.

(B) To make this audit possible, agencies are required to retain appropriate records. Agencies will need to account for each dissemination in a log so that the audit can be performed. The log should contain the name of the subject on whom the record is disseminated, the name of the recipient of the information, the agency he represents, whether the agency is criminal justice or not, the purpose for which the information is to be used, address of the agency, date and time.

(C) Criminal justice agencies may choose a manual or automated dissemination logging system. Agencies which are not automated and rely on other systems, such as the central repository for automated dissemination logging, must log all secondary dissemination. Secondary dissemination is defined as "The dissemination of any CHRI response to another criminal justice agency or to an individual within another criminal justice agency or to anyone legally entitled to receive such information who is outside the original receiving agency." These logs shall be maintained for thirteen (13) months from the date of dissemination.

(D) The reporting of a criminal justice transaction to a state, local or federal repository is not a dissemination of information. Also agencies are not required to account for "no record" responses.

(5) Security of Criminal History Record Information

(A) Agencies providing security must be mindful of computer software and hardware, restriction of file access and safeguard policies regarding computer operation in the following areas: protection through proper storage; protection through computer programs; legitimate destruction of records; detection of unauthorized penetration of programs or files; protection of security and protection from destruction.



(B) Agencies must screen prospective employees who will have access to CHRI and be responsible for transferring or removing personnel in cases of violation.

(C) The agency must institute manual procedures for physical and data security, institute manual procedures to prevent file destruction and limit direct access to criminal history record information.

(D) Each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of these regulations.

(6) Access and Review

(A) Any individual shall, upon satisfactory verification of his/her identity, be entitled to review without undue burden to either the criminal justice agency or the individual any CHRI maintained about himself/herself and obtain a copy thereof when necessary for challenge or review.

(B) Employees who process, access and review inquiries must be cautious when a person asks to see his/her CHRI. Positive identification is required. A drivers license with a photo may be sufficient; however, if identification is questionable fingerprints may be required.

(C) If a person has accessed and reviewed his/her CHRI and disagrees with the information, a challenge can follow. The challenge may be oral or written indicating that the record is inaccurate or incomplete and be accompanied by a corrected version.

(D) If it is determined that there is an error in the record the agency must make the necessary correction. At the individual's request the agency must give him/her the names of all non-criminal justice agencies to whom the data has been disseminated. Disseminations to criminal justice agencies will not be disclosed.

(E) The correcting agency shall notify all criminal justice recipients of the corrected information.

(F) The individual is not entitled to data contained in intelligence, investigatory or other related files and shall not be construed to include any other information than that defined as CHRI.

(G) When an error in a CHRI record has been detected and the correction has been made, the correcting agency shall forward corrected copies to the central repository including a copy for the Federal Bureau of Investigation.

(II) In the event an agreement cannot be reached between the individual and the agency being challenged, the individual may proceed with an administrative appeal to the Director of the Department of Public Safety, Truman Building, 8th Floor, Jefferson City, Missouri 65101.









## CRIMINAL RECORDS, CENTRAL REPOSITORY

### 43.500. Definitions.—

As used in sections 43.500 to 43.530, the following terms mean:

- (1) "Central repository", the Missouri state highway patrol criminal records division for compiling and disseminating complete and accurate criminal history records;
- (2) "Committee", criminal records advisory committee;
- (3) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;
- (4) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;
- (5) "State offense cycle number", a preprinted number on the state fingerprint card which is used to identify each arrest which may include multiple offenses for which a person is fingerprinted. This number will be associated with an offense incident from the date of arrest to the date the offender exits from the criminal justice system;
- (6) "Without undue delay", as soon as possible but not later than thirty days after the criminal history event;
- (7) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information, including fingerprint searches, photographs, and other indicia of identification.

(L. 1986 H.B. 873 & 874 § 1)

### 43.503. Arrest, charge and disposition of misdemeanors and felonies to be sent to highway patrol.—

1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections and human resources, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.530.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506, shall furnish without undue delay, to the central repository, fingerprints, charges, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied by the highway patrol. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf.

3. The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 of this act shall include the state offense cycle number of the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

4. The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol, with all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to subsections 6 and 7 of this section. Such information shall include, for each charge:

(1) All judgments of not guilty, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as assigned by the highway patrol.

5. The clerk of the courts of each county or city not within a county shall furnish court dispositions and state offense cycle number of the offense, which result in the commitment or assignment of an offender, to the jurisdiction of the department of corrections and human resources. This information shall be reported to the department of corrections and human resources at the time of commitment or assignment.



6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, the prosecuting attorney or the circuit attorney of a city not within a county shall ask the court to order a law enforcement agency to fingerprint immediately all sentenced persons appearing before the court who have not previously been fingerprinted for the same case. The court shall order the requested fingerprinting if it determines that any sentenced person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

7. The department of corrections and human resources shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to the department's custody for any offenses which are mandated by this act to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

43.506. Crimes to be reported, exceptions—method of reporting—certain arrest records to be closed, when.—

1. Those offenses considered reportable for the purposes of sections 43.500 to 43.530 include all felonies and serious or aggravated misdemeanors consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System. The following types of offenses will not be considered reportable for the purposes of sections 57.403, RSMo., 43.500 to 43.530, and 595.200 to 595.218, RSMo.: disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct, nonspecific charges of suspicion or investigation, and general traffic violations and all misdemeanor violations of the state wildlife code. Second and subsequent offense traffic violations for driving under the influence of drugs or alcohol are reportable. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected under sections 43.500 to 43.530 shall be available only as set forth in section 610.120, RSMo., except that, notwithstanding any provision of law or regulation enacted pursuant thereto, all arrest records where any disposition indicates that a

case has been nolle prossed, dismissed, or resulted in acquittal shall be closed for all dissemination purposes five years from the date of the arrest and shall not be opened or made disseminable unless and until the subject is charged with a new or subsequent offense.

2. With the exception of the manual reporting of arrests and fingerprints by law enforcement agencies as noted in subsection 2 of section 43.503, and notwithstanding subsections 2 to 7 of section 43.503, law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer systems in the state with the approval of the advisory committee.

3. In addition to the repository of fingerprint records for individual offenders, the central repository of criminal history records for the state shall maintain a repository of latent prints.

43.509. Rulemaking authority, department of public safety.—

The director of the department of public safety shall, in accordance with the provisions of chapter 536, RSMo., establish such rules and regulations as are necessary to implement the provisions of sections 43.500 to 43.530. All collection and dissemination of criminal history information shall be in compliance with chapter 610, RSMo., and applicable federal laws or regulations. Such rules shall relate to the collection of criminal history information from or dissemination of such information to criminal justice, noncriminal justice, and private agencies or citizens both in this and other states.

(L. 1986 H.B. 873 & 874 § 4)

43.512. Charge code manual, publication, use.—

The central repository, with the approval of the supreme court, shall publish and make available to criminal justice officials, a standard manual of codes for all offenses in Missouri. The manual of codes shall be known as the "Missouri Charge Code Manual", and shall be used by all criminal justice agencies for reporting information required by sections 43.500 to 43.530.

(L. 1986 H.B. 873 & 874 § 5)



43.515. Rulemaking authority, highway patrol criminal record division.—

The central repository, with the approval of the attorney general, shall publish regulations governing the security and privacy of criminal history record information as required by this state and by federal law or regulation.

(L. 1986 H.B. 873 & 874 § 6)

43.518. Criminal records advisory committee, established—purpose—members—meetings, quorum—minutes, distribution, filing of.—

1. There is hereby established within the department of public safety a "Criminal Records Advisory Committee" whose purpose is to recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the circuit court budget committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety, will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members and filed by the director for a period of at least five years.

43.521. Juveniles not to be fingerprinted, exception.—

Sections 43.500 to 43.530 shall not require fingerprinting of juvenile offenders or reporting of information pertaining to a proceeding pursuant to the Missouri juvenile code, except in those cases where a juvenile is certified to the circuit court to stand trial as an adult.

(L. 1986 H.B. 873 & 874 § 8)

43.524. Requests for delayed compliance, how made, when.—

1. Records required to be filed with the central repository under the provisions of sections 43.500 to 43.530 shall be filed beginning January 1, 1988. The moneys in the fund as set forth in section 43.530 shall be subject to appropriation by the general assembly for the particular purpose for which collected. On January 1, 1987, the central repository as defined in subdivision (1) of section 43.500 shall begin to charge the fees set forth in section 43.530.

2. An agency required to comply with the provisions of sections 43.500 to 43.530 may request a delay for compliance with sections 43.500 to 43.530 on the basis of technical restraints, and shall submit with the request for delayed compliance a description of the restraint and the earliest date possible for resolution of the restraint.

3. The director of the department of public safety shall submit the request for delayed compliance to the criminal records advisory committee for review and approval within thirty days of receipt and advise the requesting agency of the committee recommendation within sixty days of the receipt of the request.

4. All such requests for delayed compliance must be submitted to the director of the department of public safety no later than October 1, 1986, and no delay may be granted which extends the date for compliance past January 1, 1989.

(L. 1986 H.B. 873 & 874 § 9)

**43.527. Payment for records, exceptions. —**

For purposes of sections 43.500 to 43.530 all federal and nonstate of Missouri agencies shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (3) of section 43.500, when such information is not related to the administration of criminal justice. For purposes of sections 43.500 to 43.530 the administration of criminal justice is defined in subdivision (7) of section 43.500.

(L. 1986 H.B. 873 & 874 § 10)

**43.530. Fees, method of payment—criminal record system fund, established—fund not to lapse. —**

For each request received by the central repository, as defined in subdivision (1) of section 43.500, the request-

ing entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than fourteen dollars per request for classification and search of fingerprints. Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a certified check, warrant, voucher, or money order payable to the state of Missouri criminal record system. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo., to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in section 43.527, the unexpended moneys in said fund shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

(L. 1986 H.B. 873 & 874 § 11)

**57.403. Compensation for reporting to highway patrol (third and fourth class counties). —**

1. In addition to all compensation now provided by law, the sheriff in each county of the third class shall receive the sum of one thousand dollars per year, payable in twelve equal monthly installments out of the county treasury, for the performance of the duties required by sections 43.500 to 43.530, RSMo.

2. In addition to all compensation now provided by law, the sheriff in each county of the fourth class shall receive the sum of five hundred dollars per year payable in twelve equal monthly installments out of the county treasury, for the performance of the duties required by sections 43.500 to 43.530, RSMo.

(L. 1959 H.B. 296 § 1, A.L. 1986 H.B. 873 & 874)



